

Milford Police Department

General Orders



Use of Force

1. Purpose

The purpose of this Order is to provide law enforcement officers of this department, and those who are authorized by the State of Connecticut, with guidelines for the use of deadly physical force and non-deadly force.

2. Scope

This Order applies to all sworn department personnel.

3. Definitions

A. The following are definitions for the purpose of this policy:

1. Use of force: the amount of effort required by police to compel compliance by an unwilling subject ¹
2. Imminent: about to occur within minutes or seconds
3. Objectively Reasonable (Reasonable Officer Standard): based on the objective circumstances of the event and the conclusion that would be drawn by any "reasonable officer at the scene."²
4. Deadly physical force: means physical force which can be reasonably expected to cause death or serious physical injury
5. Non- deadly force: Any use of force other than that which is considered deadly force
6. Serious physical injury
 - a. Injury which creates a substantial risk of death, or
 - b. Which causes serious disfigurement, serious impairment of health or serious loss or the impairment of the function of any bodily organ
7. De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and decrease the immediacy of the threat so that more options, resources, and time can be utilized to resolve the situation without the use of force or reduce the amount of force. De-escalation may include the use of

¹ Department of Justice – Agreement for Effective and Constitutional Policing 2012, 3:12-CV-1652 (AWT). P. 8

² Graham v. Connor, 490 U.S. 386 (1989)

such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning

4. Authority

- A. Law Enforcement Officers are authorized under **C.G.S. § 53A-22** to use force up to and including deadly physical force.
 - 1. Any use of force applied by a member of this department shall be objectively reasonable and comply with applicable state statute.
 - 2. Police officers are held to the standard that their use of force is objectively reasonable
 - 3. Any use of force that is unwarranted, excessive, or unreasonable is prohibited.

5. Procedure

A. Force

- 1. Officers are authorized to use only that level of force, which is objectively reasonable and appropriate to bring the situation and/or the person under the officer's control.
 - a. The level is dictated by the suspect/offender's actions.
 - b. Officers shall make all reasonable efforts to use de-escalation techniques consisted with their training before resorting to force and to decrease the use of force. Officer shall make all reasonable efforts to allow an individual time and opportunity to react to verbal commands before force is used, and only when delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime.
 - c. The following is a general list of levels of force, which may be employed by police. It is not all-inclusive, but is intended as a guide for the different levels of force, which may be employed by an officer in the course of official duties. These levels are not in any particular order in terms of implementation.
 - i. Officer's presence
 - ii. Verbal- investigative talk
 - iii. Verbal- control talk
 - iv. Light physical contact- light control
 - v. Pepper spray/less-lethal chemical agent
 - vi. Electronic Defense Weapon (EDW)
 - vii. Heavy physical contact- heavy control/ empty hand impact
 - viii. Impact weapon- ASP - less lethal munitions, K-9
 - ix. Deadly physical force- firearm or any reasonable implement

- c. Officers are not required to exhaust any one level of force before rising to a higher level of force.
 - d. Officers will use the minimal level of force that is necessary to control the situation and/or stop the aggression.
- 2. The instrument of force employed by members of this department shall be used in a manner consistent with the training and procedures for that instrument. However, this policy shall not be construed to prohibit the use of an improvised instrument under exigent circumstances.
- 3. Any level of force, above light physical contact where a show of authority is accompanied (i.e., force above un-resisted handcuffing), will require a written incident report.
- 4. Officers shall immediately notify their appropriate supervisor as to the details of any use of force necessitating a written report.
- 5. Medical attention shall be made available to the subject of any physical force that results in physical injury or in the complaint of pain, as soon as practical.
- 6. Officers are not justified in discharging their weapons unless they are justified in using Deadly Physical Force. Therefore no warning shots are permitted under any circumstances.
- 7. Officers involved in the use of deadly physical force, which results in the death or injury of the subject of such force shall immediately be placed on administrative duty pending an internal investigation
- 8. Officers should not discharge their firearms at a moving vehicle or its occupants unless the occupants are using deadly physical force against the officer or another person present, by means other than the vehicle.
 - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the others such as in a vehicle ramming attack.
 - b. No officer should intentionally position his or her body into the path of a vehicle that is attempting to flee or elude apprehension. Whenever possible, the involved officer should make a reasonable effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

B. Use of force reporting

- 1. In all instances where a police officer uses any level of physical force above light physical contact or light control, whether an arrest is made or not, a police incident report shall be completed.
 - a. discharges a firearm, for other than training or recreational purposes;
 - b. takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - c. applies force through the use of lethal or less lethal weapons; or
 - d. applies weaponless physical force at a level as defined by the agency.

2. The incident report shall include:
 - a. A detailed account of the incident
 - b. The reason for the initial police presence
 - c. The specific description of the act that led to the use of force
 - d. The level of resistance encountered.
 - e. The description of every level of force used³
3. Each supervisor within the officer's chain of command will review the incident report in order to determine if the use of force was within policy.
4. In all instances where an officer uses physical force as a show of authority above light physical contact-light control, whether and arrest is made or not, a Use of Force report shall be completed by the immediate or on-scene supervisor of the officer(s) involved. This report is located in the PISTOL Records Management Systems IA Module and will be completed prior to the end of the supervisors shift.
5. The supervisor completing the Use of Force report will immediately notify the Shift Commander in all instances where a police officer uses any level of physical force above light physical contact-light control. The Shift Commander will be responsible for completing the "Supervisor Review" portion of the Use of Force report and forward their findings to their Division Commander.
6. The Division Commander will be responsible for reviewing his or her Use of Force Report queue on a regular basis to ensure any training and/or disciplinary issues are addressed in a timely manner. The Division Commander will complete the Command Level review and forward the findings to the Deputy Chief of Police, as well as to the Administrative Captain.
7. The Captain of the Administrative Division will conduct an independent review and will report his/her findings to the Deputy Chief of Police.
8. The Chief of Police or his designee shall conduct an annual review and evaluation of all use of force incidents.
9. All officers shall receive a copy of this policy, and be trained in it by a qualified trainer, prior to being authorized to carry a weapon. Officers will then be retrained in this policy per POST requirements, or as may be required.
10. Officers who use or observe a use of force that falls within any of the aforementioned descriptions supplied herein, and fail to report same, shall be held strictly accountable and may face discipline up to and including termination- regardless, of whether the force is reasonable.⁴

³ Department of Justice – Agreement for Effective and Constitutional Policing 2012, 3:12-CV-1652 (AWT). P. 25

⁴ Department of Justice – Agreement for Effective and Constitutional Policing 2012, 3:12-CV-1652 (AWT). P. 25